

Remarks

Summary of Telephone Interview

Applicant spoke with the Examiner by phone on 11/28/2006 concerning the Examiner's rejection of Claim 8 based solely on references that are within the priority chain of the present application. The Examiner indicated that he desired to discuss the case with his supervisor, and that he would call the Applicant on Dec. 4, 2006. Applicant left voice messages for the Examiner on 12/4/06, but was unable to reach the Examiner.

Status of the Application

In the Office Action of 6/6/2006, the Office rejected Claims 1-7 and 9-16 based on various references. The Office rejected Claim 8 under 35 USC 103 based on a combination of US Patent 5,817,458 (termed "King and Hallowitz 1998" by the Office) and US Patent Application 09/139,663 (publication 20010008760; termed "King and Hallowitz 2001" by the Office).

Claims 1-7 and 9-16

Applicant traverses the rejections of these claims, but, in the interests of expeditious processing to issuance, has canceled those claims. Applicant reserves the right submit similar claims in continuation applications.

Claim 8

History of Claim 8. The Office, in an Office Action filed 6/25/04, rejected Claim 8 based on a combination of King and Hallowitz 1998 and Zolla-Pazner et al. (1995). In a telephone interview on Oct. 20, 2004, Applicant and the Examiner discussed the unintentional omission of King and Hallowitz 1998 from the priority chain of the present application, and the Examiner requested that Applicant amend the priority claim to recite that reference. Applicant, in an Amendment filed Oct. 25, 2004, amended the application as requested by the Examiner to claim priority to that reference.

The Office entered the amendment of Oct. 25, 2004, and issued an Office Action on Jan. 25, 2005 that rejected Claim 8 under 35 USC 112 due to various antecedent and clarity concerns, withdrew the rejections based on King and Hallowitz 1998, and asserted no art-based rejections of Claim 8. The Applicant discussed amendments to Claim 8 that would cure the 112 concerns in a telephone interview Mar. 8, 2005, and the Examiner indicated that the proposed amendments would cure the corresponding rejections. Applicant amended Claim 8 in accord with the Office's requirements in an amendment filed Mar. 11, 2005. The Office withdrew the finality of the Jan. 25, 2005, rejection, and took no further action on the application for approximately 15 months, when it issued the present Office Action.

Present Office Action. In the present Office Action, the only rejection of Claim 8 is based on a combination of King and Hallowitz 1998 and King and Hallowitz 2001. Applicant notes that both of these references are in the priority chain of the present application. In the present Action, the Examiner bases the rejection on the assertion that those two references describe and enable Claim 8. Accordingly, Claim 8 is entitled to the

benefit of those applications' filing dates, and those applications are not available as references against Claim 8. Applicant respectfully requests that the corresponding rejection be withdrawn.

Request for Allowance

The most recent Office Action asserts a rejection based on references that were known to the Examiner since the filing date, one of which was removed as the basis for a 103 rejection over two years ago. There has been no effective art-based rejection of Claim 8 in the five and one half year pendency of the application, and the only 112 rejection was readily resolved in an interview between the Applicant and the Examiner over one and one half years ago. Accordingly, Applicant respectfully requests that Claim 8 be allowed, and that the application be expeditiously processed to issuance.